



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 9/20/19

Filing Fee: \$200

Receipt No. N/A

Application No. ZTA-19-02

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- ☐ Chapter 30. Subdivisions-Town Code
- ☐ Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- ☐ Chapter 36. Article IX. Planned Unit Development (PUD)
- ☐ Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- ☐ Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- ☐ Chapter 36. Article X. Section 36-303 Fees
- ☒ Chapter 36. Article X. Section 36-304-Vested Rights
- ☒ Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Town of Southern Shores

Address: 5375 N. Virginia Dare Trail

Phone 252-261-2394 Email whaskett@southernshores-nc.gov

Applicant's Representative (if any)

Name _____

Agent, Contractor, Other (Circle one)

Address _____

Phone _____ Email _____

Property Involved: ☐ Southern Shores ☐ Martin's Point (Commercial only)

Address: _____ Zoning district _____

Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: ☐ Site Plan Review ☒ Final Site Plan Review ☐ Conditional Use ☐ Permitted Use
☐ PUD (Planned Unit Development) ☐ Subdivision Ordinance ☐ Vested Right ☐ Variance

Change To: ☐ Zoning Map ☒ Zoning Ordinance

Signature Whaskett

Date 9-20-19

* Attach supporting documentation.



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10-18-19 ZTA-19-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that Section 36-163 the Town Code shall be amended as follows:

1 **PART I.** That **Town Code Sec. 36-57** be amended as follows:

2 ...

3
4 Fill material means material that is of substantially similar composition to the
5 soils present on the lot being filled and shall not include debris, organic
6 material, or be finished with soils or materials that will adversely affect the
7 absorption of precipitation. Materials for landscaping shall not be included in
8 this definition.
9

10 **PART II.** That **Town Code Sec. 36-171** be amended as follows:

11 ...

- 12
13 (1) All applications for lot disturbance and stormwater management shall be
14 accompanied by a survey and site plan of the proposed improvements prepared
15 by a state licensed professional surveyor, engineer, architect or other person duly
16 authorized by the state to prepare such plans showing the actual dimensions and
17 shape of the lot, and showing the surveyed pre-disturbance ground elevation at
18 the corners of the proposed structure referenced to mean sea level. The application
19 shall also describe the disturbance or development activity which is proposed for
20 the lot. The application and accompanying survey shall be sufficiently detailed
21 for the zoning administrator to confirm that following construction of the
22 proposed improvements the property will retain all stormwater generated by a one
23 and one-half inch rain event and will not adversely affect any stormwater
24 management system previously constructed by the town or on adjacent properties.
25 No fill material may be re-distributed or placed on a lot in the rear or side setback
26 areas unless the final horizontal-to-vertical slope is equal to or less than 3:1. This
27 shall be calculated from the finished final grade to the rear and side property lines.
28 The burden shall be on the applicant to make such a showing, and the zoning
29 administrator, in his discretion, may request reasonable additional information to
30 make a decision on the application.

31
32 **PART III.** That **Town Code Sec. 36-202, (d), (7)** be replaced in its entirety with the
33 following:

34 ...

35
36 (7) Height.

- 37 a. Maximum building height shall be 35 feet, measured from the average of the
38 existing, undisturbed grade at the building corners. If the average of the
39 existing, undisturbed grade at the corners of the building is less than 8 feet
40 above mean sea level, the maximum building height may be measured from
41 up to 8 feet above mean sea level.

42
43 **PART IV.** That **Town Code Sec. 36-203, (d), (7)** be replaced in its entirety with the
44 following:

1 ...
2

3 (7) Height.

- 4 a. Maximum building height shall be 35 feet, measured from the average of the
5 existing, undisturbed grade at the building corners. If the average of the
6 existing, undisturbed grade at the corners of the building is less than 8 feet
7 above mean sea level, the maximum building height may be measured from
8 up to 8 feet above mean sea level.

9
10 **PART V.** That **Town Code Sec. 36-204, (d), (7)** be replaced in its entirety with the
11 following:
12 ...

13

14 (7) Height.

- 15 a. Maximum building height shall be 35 feet, measured from the average of the
16 existing, undisturbed grade at the building corners. If the average of the
17 existing, undisturbed grade at the corners of the building is less than 8 feet
18 above mean sea level, the maximum building height may be measured from
19 up to 8 feet above mean sea level.

20

21 **PART VI.** That **Town Code Sec. 36-205, (d), (7)** be replaced in its entirety with the
22 following:
23 ...

24

25 (7) Height.

- 26 a. For uses other than country club, school facilities and churches:
27 1. Maximum building height shall be 35 feet, measured from the average
28 of the existing, undisturbed grade at the building corners. If the average
29 of the existing, undisturbed grade at the corners of the building is less
30 than 8 feet above mean sea level, the maximum building height may be
31 measured from up to 8 feet above mean sea level.
32 b. For country club use and churches, principal building only:
33 1. Maximum building height shall be 65 feet, measured from the average
34 of the existing, undisturbed grade at the building corners. If the average
35 of the existing, undisturbed grade at the corners of the building is less
36 than 8 feet above mean sea level, the maximum building height may be
37 measured from up to 8 feet above mean sea level.
38 c. For school facilities:
39 1. Maximum building height shall be 55 feet, measured from the average
40 of the existing, undisturbed grade at the building corners. If the average
41 of the existing, undisturbed grade at the corners of the building is less

1 than 8 feet above mean sea level, the maximum building height may be
2 measured from up to 8 feet above mean sea level.

3
4 **PART VII.** That **Town Code Sec. 36-206, (d), (7)** be amended as follows:
5 ...

6
7 (7) Height:

- 8 a. Maximum building height shall be 35 feet, measured from the average of the
9 existing, undisturbed grade at the building corners. If the average of the
10 existing, undisturbed grade at the corners of the building is less than 8 feet
11 above mean sea level, the maximum building height may be measured from
12 up to 8 feet above mean sea level.

13
14 **PART VIII.** That **Town Code Sec. 36-207, (d), (6)** be replaced in its entirety with the
15 following:
16 ...

17
18 (6) Height:

19 a. ~~For uses other than a bank:~~

20 1. ~~Height, top plate, shall be 26 feet.~~

21 2. ~~Height, maximum, shall be 35 feet.~~

- 22 a. Maximum building height shall be 35 feet, measured from the average of the
23 existing, undisturbed grade at the building corners. If the average of the
24 existing, undisturbed grade at the corners of the building is less than 8 feet
25 above mean sea level, the maximum building height may be measured from
26 up to 8 feet above mean sea level.

27 b. For bank use:

28 1. ~~Height, top plate, shall be 26 feet.~~

- 29 1. ~~Height, maximum,~~ Maximum building height shall be 35 feet with the
30 exception of a single decorative cupola or ornamental watch tower that
31 extends up to 15 feet above the roofline of the building, provided that it
32 does not exceed 12 feet in width on any side or 144 square feet in cross
33 section, is purely decorative in nature, and cannot be used for storage or
34 occupancy.

35 i. Banks with decorative cupolas or ornamental watch towers shall
36 have street frontage on U.S. Hwy. 158 and shall not be located in
37 the Martins Point ETJ Area.
38

39 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
40 **Reasonableness.**

1
2 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
3 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
4 is applicable. For all of the above-stated reasons and any additional reasons supporting
5 the Town's adoption of this ordinance amendment, the Town considers the adoption of
6 this ordinance amendment to be reasonable and in the public interest.
7

8 **ARTICLE V. Severability.**
9

10 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
11 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
12 amendment or any part thereof to be invalid, such decision shall not affect the remaining
13 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
14 Town of Southern Shores, North Carolina which shall remain in full force and effect.
15

16 **ARTICLE VI. Effective Date.**
17

18 This ordinance amendment shall be in full force and effect from and after the ____ day of
19 _____, 2019.
20
21
22

23 _____
Mayor

24
25 ATTEST:

Date: _____

26
27 _____
Town Clerk

Vote: Ayes Naves

30
31 APPROVED AS TO FORM:
32
33
34
35 _____
Town Attorney